

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

STEVE ANCTIL, JR.,)
Plaintiff)
v.) 1:16-cv-107
JOSEPH FITZPATRICK, et als.,)
Defendants)

ANSWER OF DEFENDANTS JOSPEH FITZPATRICK, RODNEY BOUFFARD AND RANDALL LIBERTY TO SECOND AMENDED COMPLAINT

Defendants Joseph Fitzpatrick, Rodney Bouffard and Randall Liberty answer the Second Amended Complaint as follows:

I. Defendants admit that plaintiff filed the lawsuit alleged in the Complaint but deny that this is the only other lawsuit filed by the plaintiff against Department of Corrections employees.

II. Defendants admit that plaintiff is incarcerated at the Maine State Prison. Defendants neither admit nor deny that plaintiff has filed a grievance concerning all of the claims alleged in his complaint as they are numerous.

III. Defendants admit that plaintiff is a prisoner incarcerated at the Maine State Prison. Defendants admit that Joseph Fitzpatrick is Commissioner of the Department of Corrections. Defendants deny that Rodney Bouffard is an associate commissioner. Defendants admit that Randall Liberty is the warden of the Maine State Prison.

IV. Pursuant to the Court's Order Affirming in Part and Rejecting in Part the Recommended Decisions of the Magistrate Judge (ECF No. 68), defendants respond only to

those allegations of fact in the Statement of Claim relating to plaintiff's claim that defendants interfered with plaintiff's legal mail.

Defendants neither admit nor deny the allegations on Page 4 of the Statement of Claim regarding the inadvertent opening of plaintiff's mail from the Volunteer Lawyers Project for lack of sufficient knowledge and information.

Defendants neither admit nor deny the allegations on Page 4 of the Statement of Claim regarding the taped envelope from the Maine Human Rights Committee for lack of sufficient knowledge and information.

Defendants neither admit nor deny the allegations on the same page regarding correspondence from OPEGA for lack of sufficient knowledge and information.

Defendants neither admit nor deny the allegations on Page 5 of the Statement of Claim regarding plaintiff's letter to the federal court for lack of sufficient knowledge and information.

Defendants neither admit nor deny the allegations on the same page regarding removal of plaintiff's mail for lack of sufficient knowledge and information.

Defendants neither admit nor deny the allegations on Page 6 of the Statement of Claim regarding mail from the Office of Civil Rights for lack of sufficient knowledge and information.

Defendants neither admit nor deny the allegations on Page 7 of the Statement of Claim regarding mail from the Center for Constitutional Rights for lack of sufficient knowledge and information.

V. This section of the Complaint sets forth claims for relief, and no response is required.

WHEREFORE, defendants request that judgment be entered in their favor and that they be awarded costs.

AND FURTHER ANSWERING, defendants state as follows:

AFFIRMATIVE DEFENSES

1. The complaint fails to state a claim upon which relief can be granted as to these defendants.
2. Any claim for damages for emotional and mental distress as to plaintiff's claims of interference with his legal mail are barred by plaintiff's failure to allege a physical injury.
3. Defendants are entitled to qualified immunity.
4. Plaintiff's claim for punitive damages is barred by the prospective relief provisions of the Prison Litigation Reform Act.
5. Plaintiff failed to exhaust available administrative remedies as to some or all of the claims alleging interference with his legal mail, and those claims must be dismissed.

November 27, 2017

/s/ James E. Fortin
James E. Fortin
Assistant Attorney General
James.Fortin@maine.gov

Office of the Attorney General
Six State House Station
Augusta, ME 04333
626-8800

Certificate of Service

The undersigned hereby certifies that he electronically filed the above document with the Clerk of Court using the CM/ECF system, which will serve a copy on all counsel of record, and that he mailed a copy, postage paid, to the following:

Steve Anctil, Jr.
Maine State Prison
807 Cushing Road
Warren, ME 04864

November 27, 2017

/s/ James E. Fortin
James E. Fortin
Assistant Attorney General